

**BENTON COUNTY PLANNING BOARD**  
**Public Hearing Meeting Minutes**  
**June 20, 2007, 5:30 p.m.**

**Call to Order & Roll Call:** The following Benton County Planning Board members were present: Tim Sorey, Heath Ward, Scott Borman, John Butler, Adele Lucas, and Bill Kneebone. Melana Ewing was absent. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis, and Karen Stewart.

**Announcements:**

Ms. Pope announced that the first item on the agenda, Meadow Park Subdivision, was sent to Centerton Planning and would not be heard at this meeting of the Planning Board. She also informed the Board that the developer of Angler's Bend Subdivision asked that their request for preliminary subdivision approval be tabled. Ms. Pope also stated that Kathy Andreasen asked to speak to the Board at the end of the meeting regarding the South Mountain Estates road reclassification.

**Old Business:**

There was no old business on the agenda.

**New Business:**

1. Tract Split - **Al Williams** - Cherokee Road, Gentry - Bates & Associates

There was no representation for this project.

Ms. Pope stated that nothing had been received from Bates & Associates and that the stipulations from the TAC meeting had not been met; she recommended tabling this item.

Ms. Lucas made a motion to table, which was seconded by Mr. Borman. The motion was passed unanimously.

2. Large Scale Development - **B Brothers Enterprises** - Wagon Wheel Road, Springdale

Phil Swope of Gray Rock Consulting was present.

Ms. Pope read the stipulations from the TAC meeting:

- No Certificate of Occupancy will be issued until Twin Oaks Road is paved.
- A letter of hazardous material notification is required.
- The Board will require a "Memorandum of Understanding" concerning the improvement of Twin Oaks Road.
- A drainage letter/report is required.
- A letter regarding solid waste disposal is required.
- A letter from the public utility providers is required.
- The adjacent landowners must be notified of the project and proof provided of notification.
- The plat must be labeled as large scale development, not as a boundary survey.
- Release/approval of the City of Springdale must be provided to the Board.
- Signature block for the owners' signatures must be placed on the plat.

Ms. Pope stated that Staff had received the drainage report, however the letter of hazardous material notification, solid waste disposal contract, letters from the public utility providers, and proof of notification of adjacent landowners had not yet been

provided to Staff. Additionally, Staff had received comments from the City of Springdale which had not all been addressed. Staff recommended tabling the project. Mr. Kneebone made a motion to table the large scale development; Ms. Lucas seconded the motion.

Mr. Sorey interjected that there should be some discussion of the project and stated that the main issue is the lack of proof of notification of adjacent property owners.

Mr. Swope stated that he had the solid waste disposal letter, proof of notification of adjacent property owners, and the letter of hazardous material notification. He also addressed the comments from the City of Springdale, stating that their main concerns were regarding insufficient information on the plan.

Ms. Pope stated that there were 35 comments from the City of Springdale; Mr. Swope asked if there were any items that were of particular concern.

Ms. Pope stated that their comments regarding a vicinity map, a legend identifying all symbols, the floor area of all commercial usages within the building, typical dimensions for regular parking were all of concern to Staff.

Ms. Lucas enquired of Mr. Swope why all of the items he has were not turned in prior to the meeting; Mr. Swope stated that several of the items were received at the last minute.

Mr. Borman asked about Staff's deadline for submission of required documentation; Ms. Davis answered that items are supposed to be turned in 14 days prior to the meeting.

Mr. Sorey stated that at the TAC meeting, the design was not the same as the previously-approved design. Mr. Sorey also questioned whether enough of the required items had been completed in order for the Board to hear the project at this meeting. He pointed out that this is essentially a new plan to be reviewed.

Ms. Lucas stated that the project should go back through the Technical Advisory Committee; Mr. Borman concurred.

Mr. Kneebone again suggested that the project be tabled. The motion to table from earlier in the meeting was voted in - the motion passed unanimously.

### 3. Preliminary Subdivision - **Ridgeline Subdivision** - Banks Lane, Hiwasse - Civil Engineering, Inc.

This project was initially moved to the end of the agenda due to lack of representation.

Ms. Pope stated that the design of this subdivision was changed to relocate Tori Lane; this road is now completely on the owner's property. She then reviewed the stipulations from the TAC meeting:

- Approval of the rock dam by the Benton County Road Department is required.
- Reinforced Concrete Pipe is required for storm drainage under the roads.
- Adjacent property owners must be notified of subdivision.
- Need the surveyor's certificate.
- Locate the septic pits on the plat.
- Label the setbacks.
- Relocate Tori Lane or provide dedicated easement on adjacent property owner.
- Waterline configuration for hydrants must be approved by Centerton.
- Label pond "To Be Removed."

Ms. Pope stated that notification of adjacent property owners is not typically required for a subdivision approval, but in this case was required due to the location of Tori Lane on someone else's property. Since Tori Lane is now on the applicant's property, Ms. Pope asked if the Board wanted to keep that stipulation. The Board members agreed that the stipulation was no longer necessary. She stated that the last two remaining items, approval of the rock dam and reinforced concrete pipe for storm

drainage under the roads, would be checked by the Benton County Road Department. Ms. Pope stated that the outstanding item on the list is the City of Centerton's approval of the waterline configuration for hydrants in the subdivision, but that the Board could approve the project contingent upon receipt of the City of Centerton's approval. There was no public comment on this project.

Mr. Sorey asked if there was any problem with the Board voting on this matter without a representative for the project. The Board discussed the matter and agreed that any missing items were minor and could be brought the Staff before construction begins.

Mr. Sorey noted that this project is a preliminary plat and that the Board would see the project again at their request for final plat approval.

Mr. Butler asked about the large L-shaped lot in the subdivision and the Board's rules regarding the splitting of the lot in the future. Mr. Sorey stated with all of the easements, the back of the lot would have to be developed and the applicant would not have the ability to get more than one lot in that location. He also noted that Board could require a statement on the final plat that the large lots not be split.

Ms. Pope stated that if the applicant wanted to split the lot, it would have to come back before the Board, since the lot is in a subdivision.

A motion to approve the preliminary subdivision was made by Mr. Borman, Mr. Kneebone and Mr. Ward simultaneously seconded the motion. All members voted in favor of the motion.

#### 4. Preliminary & Final Subdivision - **Escarpment Addition, Phase II** - Low Gap Lane, Rogers - W / R Consulting

Bill Platz of W / R Consulting was present. He stated that he made all of the corrections requested at the TAC meeting and said that he would answer any questions from the Board.

Ms. Pope stated that there were no outstanding stipulations to be completed and that Staff recommended approval of the preliminary and final plats.

There was no public comment on the matter.

Mr. Borman commended Mr. Platz on a job well done.

A motion to approve the preliminary and final plats was made by Mr. Kneebone and seconded by Ms. Lucas. The motion was passed unanimously.

### **Other Business:**

Road reclassification - **South Mountain Estates** - South Mountain Rd., Lowell

Kathy Andreasen was present, with her son, Ron Andreasen.

Mrs. Andreasen expressed her appreciation for the Board's decision to deny the reclassification of South Mountain Road and the closing of the gate to the subdivision.

She stated that the South Mountain Property Owners' Association informed Ms. Pope that they would appeal the decision and Ms. Pope and the Judge's Office assured her that the adjacent property owners (within a thousand feet) were supposed to be notified and that a public hearing would be held. Mrs. Andreasen stated that if South Mountain POA appealed the decision, some of their neighbors had planned to attend. She stated that none of them were notified. She also stated that current Benton County Judge Gary Black had received an initialed affidavit from former Benton County Judge Bruce Rutherford stating that the roads were never dedicated (about which she stated, "We know they were") and that they were never intended to be public. She stated that Travis Harp sent a letter to South Mountain Estates POA stating that Benton County would not pursue the matter any further. Mrs. Andreasen stated that the adjacent property owners are now "locked out" of that road.

Mrs. Andreasen went on to say that she had gone to check on the north fence line on her property (which is on South Mountain Road) and found that "550 foot of our boundary fence line destroyed, cut, and left in disarray." She stated that her family runs cattle, so it is important to keep her fence repaired. With access to South Mountain Road denied, the only access they have to that part of their fence is through a deep ravine, which is impractical with heavy loads of barbed wire and the tools to repair the fencing.

She stated that she realized that the Board may not have any further authority, but she appreciates their efforts.

Mr. Sorey asked if Mrs. Andreasen is requesting some sort of action from the Board; she stated that she did not know if there was anything that the Board could do to help. She reiterated that they need access to South Mountain Road.

Mr. Sorey stated that the Board had been through its process and had done what it could in this case; he suggested that the Andreasen's next step would most likely have to be a legal process.

Mr. Andreasen asked if the Board had any suggestions on how to pursue this matter; he also stated that he had found documents that "go against this Rutherford affidavit." He stated that a sign in the subdivision is half white (for Falcon Crest) and half blue (for South Mountain Road), indicating residential (for the blue sign.)

Mr. Sorey stated that he did not believe it is the Board's place to advise the Andreasens, but that they could get advice from legal counsel. He also stated that the County Attorney should look into this matter and direct action accordingly, based on the Board's ruling.

Ms. Pope stated that this was not a typical situation for the Board; the County Judge has complete authority over the County roads and even though the Planning Board recommended that the road be kept open, the Judge decided, based on further evidence, that that was not the correct thing to do.

## **Adjournment**

Motion to adjourn was made by Mr. Kneebone. The meeting was adjourned at 5:55 p.m.